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Computers and Dossiers

by Vern Countryman, Harvard Law School, Originally published in "Texas Law Review, " May 71

Hoover's Version of "Approval in Writing"

Regardless of the state of the law or of the current content of executive directives, FBI Director Hoover has annually since 1965 assured the House Appropriations committee that every wire tap undertaken by the FBI has less "approved in advance in writing by the Attorney General," and that all taps were limited to "national security" or "internal security" cases. But less than two months after loover gave that testimony in 1969, an FBI agent testified, during the trial of Casaius Clay under the Selective Service Act, that the PEI had tapped the wires of Martin Luther King, Jr. for four years before his death in 1968. Hoover then produced his version of an "approval in writing in advance by the Attorney Ceneral" - a memorandum written by one of Hoover's our subordinates, reciting that in 1963 Atty. Gen. Lobert Lennedy, now also deceased, had injulred "if it was feasible to use electronic devices" to check into allegations that Dr. ing "had Herrist leanings." The House Appropriations Consittee found no reason to question Hoover's credibility when he appeared before it the collowing year and again testific that "al " wire taps "were authorized in advance in, riting by the Attorney Coneral."